
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
NM Licensing, LLC)	File No. EB-04-CG-005
Licensee of Radio Station WRXQ)	
3959)	NOV No. V20043232005
Coal City, Illinois)	
)	

NOTICE OF VIOLATION

Released: January 14, 2003

By the District Director, Chicago Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to NM Licensing, LLC, licensee of radio station WRXQ.

2. On January 8, 2004, an agent of the Commission's Chicago Office inspected radio station WRXQ, located in Crest Hill, Illinois, and observed the following violation(s):

- a. 47 C.F.R. § 11.52(d): "Broadcast stations ...must monitor two EAS sources. The monitoring assignments of each broadcast station...are specified in the State EAS Plan and FCC Mapbook." At the time of the inspection there was no record of the station monitoring WGN, the designated LP-2 for that area.
- b. 47 C.F.R. § 11.61(a)(1)(v): "...These monthly tests must be transmitted within 60 minutes of receipt by broadcast station or cable systems in an EAS Local Area or State." There was no evidence that the required monthly tests were performed during the months of November or December, 2003.
- c. 47 C.F.R. § 73.1870(c)(3): The chief operator is responsible for "Review of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive." The station's log were not being reviewed.

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, NM Licensing, LLC, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Chicago Office
1550 Northwest Highway, Room 306
Park Ridge, IL 60068

4. This Notice shall be sent to NM Licensing, LLC, 2410 Canton Farm Road, Crest Hill, IL 60435.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt
District Director
Chicago Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*